

Summary of Privacy Impact Assessment & Internal Privacy Review

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Privacy Impact Assessment – TSM/Ncompass Enhancements (Release 6.0)

A Privacy Impact Assessment (PIA) is a risk management tool that allows the Ontario Telemedicine Network (OTN) in its role as a Health Information Network Provider under the 'Personal Health Information Protections Act, 2004'¹ to assess a technology, program or information system's privacy risks and its compliance with provincial and federal legislative requirements and standards. Where required, a PIA also details mitigating strategies by way of recommendations and an action plan. A critical element of the PIA process is the implementation of those recommendations detailed in the assessment.

A PIA has the benefit of generating and communicating internal, public and stakeholder confidence that privacy requirements are being met and risks mitigated. It can also promote fully informed policy decision-making and system design choices, ensuring privacy is considered throughout the business redesign/project redevelopment cycle. A Privacy Impact Assessment is meant to be used and expanded over the cycle of the initiative's development and implementation, to continuously identify and address risks that impact or have the potential to impact the confidentiality, integrity and accessibility of personal health information held/handled by OTN and/or its partners. OTN has adopted a risk tolerance level of low, meaning that low and very low risks will not be immediately actioned, but will be monitored to ensure that they stay within tolerable levels. All high and medium risks are mitigated.

OTN completed a Privacy Impact Assessment (PIA) on its *TSM/Ncompass Enhancements (Release 5.0) Project* dated June 23, 2013. OTN has since made additional improvements and efficiencies to the TSM and Ncompass systems, therefore the PIA for the OTN *TSM/Ncompass Enhancements (Release 6.0)* was finalized July 7, 2014. The *TSM/Ncompass Enhancements (Release 6.0)* PIA assessed the process by which OTN will collect data and how OTN plans to use the data. The PIA helps to ensure public trust that OTN handles any Personal Information (PI) in a responsible manner and communicates to the users of Ncompass any impact the enhancements may have to the protection of Personal Health Information (PHI) used in the scheduling process.

The following is a summary of the PIA, including a brief background on the *TSM/Ncompass Enhancements (Release 6.0) Project*, key findings & recommendations, status, and contact information for the OTN Privacy Office.

Background

OTN's Telemedicine Services Manager (TSM) application was developed to provide a robust, centralized means of scheduling elective telemedicine applications. TSM provides customized workflow management for scheduling patient consultations, group therapies, educational events, administrative meetings, and general-purpose web-stream events. In order to support this functionality, the system also maintains a database of health care providers, telemedicine sites, support staff and locations. TSM also

¹ Ontario Ministry of Health and Long-term Care. "Health Information Protection Act, 2004." http://www.health.gov.on.ca/english/providers/legislation/priv_legislation/priv_legislation.html.

stores personal health information (PHI), and therefore OTN is subject to the Personal Health Information Protection Act, 2004 (PHIPA).

There are currently two (2) scheduling related software systems in use at the OTN: TSM and Ncompass self-scheduling application. Ncompass is member-facing and offers less functionality than TSM but relies on TSM to operate. OTN strives to continuously improve TSM features and functionality to provide a positive and efficient member experience. TSM completed some functionality updates in 2013, as Release 5.0 of the TSM/Ncompass Enhancement Project. Additional changes were implemented as a part of the TSM/Ncompass Release 6.0, including:

1. Back-end Webcast Scheduling Automation

This will allow both TSM and Ncompass users to book an event up to 7pm the day before the event, without any intervention or support requirement from an OTN Customer Care representative. When a user requests, edits or cancels a webcast through TSM / Ncompass, the action will automatically be pushed by the OTN system to MediaSite, the OTN service provider that provides live streaming and optional recording of non-clinical events. A response from MediaSite, which confirms or declines the request, will also be automated, thereby allowing the user to see the success of their scheduled event immediately. Users that schedule a webcast may only book educational or non-clinical events.

2. Patient Letter Template Changes

Previously implemented changes to the OTN Interactive Voice Response (IVR) dial in number and the renaming of Customer Care at OTN requires minor changes to the patient clinical event conformation letters. The letter must be updated with the new IVR set-up details and the new name for the Customer Care department.

3. Marked Time Informational Label Functionality

The "Marked Time" functionality allows TSM and Ncompass users to attach informational labels to scheduling calendars for unavailable resources in their facility. When a Marked Time label is added to facility resources, other TSM or Ncompass users will easily see when resources will be unavailable for use and will not try to book those resources during the blocked time.

4. Request for Assistance Email Template

TSM and Ncompass users booking a clinical event may require support from OTN Customer Care to complete their event booking. If the user requires assistance, they may simply open the template email, complete the required information and send the email to the OTN Customer Care department. The email template ensures that OTN Customer Care receives the information required about the nature of the request with the first email. This reduces the number of emails between the requestor and OTN Customer Care and creates a more efficient response to the user.

5. OTN Customer Care/Technical Support Override Button

The addition of an override button allows the OTN Customer Care representative or the Technical Support agent to leave an event in a "scheduled" status while work is occurring on the back-end to move systems around and accommodate scheduling of events. This eliminates unnecessary calls from end users on the day of the event, should the back-end work inadvertently push the event in the system to an "unscheduled" status.

6. Lower the Maximum Number of Systems Added by A User

The maximum number of systems that can be added by a Ncompass or TSM user will be lowered from 85 to 60 to allow for efficient management of OTN resources.

7. Age Group Fix

TSM and Ncompass users that are scheduling a point-to-point clinical event must enter the patient's a) date of birth, b) their age group or c) select a patient from the existing OTN registry of patients. The system will restrict a user's selection to only one of the 3 choices noted.

Key Findings/Risks & Recommendations

OTN is working from the foundation of a strong privacy program and is well positioned to implement recommendations which will serve to mitigate any identified risks. Additionally, very few of the enhancements examined in the PIA for TSM Release 6.0 included substantive changes to collection, use, disclosure or retention of any PHI or PI.

The *TSM/Ncompass Enhancements (Release 6.0)* PIA identified the following privacy recommendations that, once implemented, will support the existing privacy controls already in place at OTN. The PIA noted the following risks and recommendations:

#	RATING	FINDING/RISK	RECOMMENDATION(S)	STATUS
1	Medium	There is a risk that there is no clear contractual provision in OTN agreements which states that PHI may not be transmitted through video conferencing services.	As OTN will not offer the functionality for clinical information to be webcast, OTN should consider updating their user agreements to stipulate that user compliance with the Webcasting Policies and Procedures is required when utilizing the video conferencing services, and that TSM and Ncompass users may not schedule webcasts which include any PHI.	Completed
2	Medium	There is a risk that a contract is not in place between OTN and Sonic Foundry (MediaSite provider).	OTN should execute a contract with Sonic Foundry (MediaSite vendor) that includes the appropriate privacy clauses, based on the sensitivity of the information which may be available to the vendor.	Completed
3	Medium	There is a risk that PHI may be transmitted via email inadvertently by a user.	OTN should consider using a web form, as opposed to an email, for the transmission of requests for assistance. If PHI is entered into the form, it would be contained on a secure network.	Completed
			It is recommended that OTN continue with their plans to	Completed

#	RATING	FINDING/RISK	RECOMMENDATION(S)	STATUS
			<p>have a TRA completed for the TSM Phase 2 enhancements. Even though administrative controls are in place to request users not to include PHI in emails for assistance, The TRA should include a review of the secure transmission of email templates.</p>	
			<p>OTN should consider the following small changes to the enhance the privacy controls currently in place for the TSM/Ncompass email enhancement:</p> <ul style="list-style-type: none"> a) Move the "DO NOT INCLUDE PATIENT INFO" statement to the top of the email, before the questions. b) Include a statement in the body of the email about the fact that email is not a secure way to transmit any PHI. If specific patient information must be transmitted, the users should call OTN Customer Care with the relevant scheduling issues/details. c) Change "Please describe the assistance required below." language to something that only requests an answer to the stated question, such as "Please answer the following questions so we may better assist you." d) Ensure the privacy training for TSM/Ncompass users includes information about email transmissions and PHI. 	Completed
4	Low	There is a risk that updates to online training materials or other online privacy guidance documentation is not seen by users.	OTN should consider a communication program with users in which new guidelines and informational privacy material (of relevance to the user), be sent out to existing members/users.	Completed
5	Medium	There is a risk that	OTN should consider annually	Completed

#	RATING	FINDING/RISK	RECOMMENDATION(S)	STATUS
		training for external Ncompass users is only conducted when they join OTN.	refreshing privacy training for members and internal users.	
6	Medium	There is a risk that vendor contracts for those providers that have access to PHI may not be in place.	The OTN Privacy team should review all contracts with vendors that have access to PHI to ensure that agreements with appropriate privacy provisions are executed with those vendors.	Completed
7	Low	There is a risk that new contracts will not have been reviewed by legal counsel and may not include fully binding measures and terms and conditions relevant to the health sector in Ontario.	OTN should consider a legal review of all member contracts created as a part of their new agreement strategy.	Completed
8	Low	There is a risk that vendors are not aware of retention limits for video conference recordings since no contract is in place between OTN and Sonic Foundry (MediaSite supplier).	OTN should ensure that retention timeframes are a part of any contract which is put in place with Sonic Foundry for the video conference recordings in their custody.	Completed

Internal Privacy Review – TSM/Ncompass Enhancements (Release 6.0) – Focused Review of Clinical Attachments

The PIA originally performed for the TSM/Ncompass Release 6.0 analyzed seven planned enhancements and features to TSM/Ncompass, as summarized above. Part-way through the project, the scope was expanded, and an additional feature was added to the release. The expanded scope included the ability for OTN Members/Users to add attachments to TSM and Ncompass clinical events. To ensure that a robust privacy assessment was performed on all features and enhancements included in the Release, OTN performed an Internal Privacy Review focused on this additional feature.

Background

In response to demand from OTN Members, OTN included the ability to add attachments to TSM and Ncompass clinical events in the TSM/Ncompass Release 6.0. The feature allows OTN Members/Users to add attachments to point-to-point and group clinic events. The clinical attachments feature is intended to allow Members/Users to upload documents such as consultant protocols and blank assessment forms to clinical events. OTN's expectation is that these attachments not contain PHI. However, OTN does not have the ability to scan attachment content. As such, OTN relies on appropriate use of the feature by OTN Members and Users to ensure that PHI is not attached.

To identify risks associated with the clinical attachments feature, and to recommend mitigation strategies for any identified risks, OTN performed an Internal Privacy Review focused on clinical attachments in September 2014. The risks and recommendations resulting from the assessment are summarized below. In some instances, OTN may take a different approach to mitigating an identified risk. Such actions are noted in the "Status" column where appropriate.

Key Findings/Risks & Recommendations

#	RATING	FINDING/RISK	RECOMMENDATION(S)	STATUS
1	High	There is a risk of non-compliance to Purpose Identification.	OTN should consider a legal review of all agreements in conjunction with the Agreement Project currently underway to ensure privacy provisions are in place, as well as obligations and responsibilities clearly outlined. Those agreements include: <ul style="list-style-type: none"> • OTN Membership Agreement • TMS Scheduler Agreement • Ncompass Scheduler Agreement (Clinical) • Ncompass Scheduler Agreement (Non-Clinical) 	Completed

2	High	There is a risk that some of OTN Members may not be aware of the obligations and responsibilities associated with inadvertently attaching a form containing PHI.	OTN should consider a review of privacy training modules (Ncompass Clinical and Non-Clinical), patient brochure, privacy fact sheets/best practices, and User Guides to ensure roles and responsibilities are clearly communicated given this new functionality, as well as procedures for reporting privacy incidents.	Completed
			OTN should consider consulting with CPSO/IPC to understand their expectations concerning roles and responsibilities for when it's discovered someone has inadvertently attached PHI thereby disclosing patient condition. OTN needs to be able to share this with its Members.	Accepted OTN is aware of IPC expectations. OTN completed a review of the CPSO's "Confidentiality Guideline" (Standards of Care/Best Practices & Guideline) and incorporated relevant content into the OTN Training Modules for Members. Requirement for further engagement with CPSO/IPC to be evaluated at a future date and will be arranged if required.
3	High	There is a risk that policies are inconsistent with Member Agreement, Law, or College of Physicians and Surgeons of Ontario (CPSO) expectations as a result of lack of compliance with PHIPA, CPSO, and	OTN should consult with Members (User Group) or CPSO to understand what the reasonable expectations are or can be in terms of retention.	Completed
			Policies should be reviewed, updated and communicated to appropriate stakeholders.	Completed Currently solution does not retain PHI. For PHI retained in

		Ontario Hospital Act with respect to the duration of the retention and obligations.		solution, retention policy current.
			OTN TSM retention requirements should be documented and built into architectural design documents.	Completed
4	High	The risk is that OTN Support Teams are not informed of the context, purpose, or intent of the attachment.	Change the naming of the field/label to "Form Attachments."	Completed
			Ensure OTN Staff are trained and provide a talking script to address the specific question on "How can I use this feature."	Completed
5	High	Unauthorized access to personal health information.	OTN should put a formalized process in place to spot check all Ncompass Group Clinics until scheduling tool is properly configured.	Completed
6	Medium	There is a risk of overuse of (technical/system capacity) resources.	OTN should engage the Business to think of possibility of exposing previously shared documents, to eliminate duplication.	Completed
7	Medium	There is a risk that audit requirements may need to be augmented to ensure the capture of this new feature.	System Reporting is relative to Clinical Use in that audit processes would need to be updated to ensure that PHIPA and associated regulation, O.Reg. 329/04 meet these requirements: The provider shall to the extent reasonably practical, and in a manner that is reasonably practical, keep and make available to each applicable health information custodian, on the request of the custodian, an electronic record of, i. all accesses to all or part of the personal health information associated with	Completed

			<p>the custodian being held in equipment controlled by the provider, which record shall identify the person who accessed the information and the date and time of the access, and</p> <p>ii. all transfers of all or part of the information associated with the custodian by means of equipment controlled by the provider, which record shall identify the person who transferred the information and the person or address to whom it was sent, and the date and time it was sent.</p>	
8	Medium	There is a risk of over collection based on stated purpose as evidence of non-compliance to PHIPA thereby potentially subjecting Organization to IPC audit.	The business should conduct frequent spot check audits of events where attachments included six months following release.	<p>Completed</p> <p>An initial audit was performed post-release. Documents checked did not contain PHI. OTN system includes notices to Users not to include PHI in attachments. OTN monitors all incidents for trends, including attachments with PHI. To date, no trend related to clinical attachments has been identified.</p>
			Review and analyze audit results with Project Team and Key Stakeholders; document findings as evidence.	<p>Completed</p> <p>No instances of PHI in attachments found during initial audit. OTN will monitor incidents, as described above, to identify any trends with respect to clinical attachments.</p>

9	Medium	There is a risk that system architecture may not have been conceived with communication storage exchange in mind.	OTN should investigate file management solution (And required access credentialing, mapping of roles, and permissions) to store attachments instead of directly depositing into Oracle database.	System architecture monitored
10	Medium	There is a risk that Members will potentially report incidents citing PHI uploaded or distributed to wrong destinations.	OTN should ensure screen notifications provide a bolded notice indicating "Do not attach PHI."	Completed
			OTN should design a process whereby all TSM and Ncompass Users are forced to re-fresh their training on an annual basis.	Completed
11	Medium	Member Organizations are not notified of the Process changes (Ex. Attaching Attachments v. Original Purpose of "Scheduling") required and certainly not under obligations.	OTN should ensure that Members are notified and that they agree to updated processes. This can be done through several avenues: <ul style="list-style-type: none"> • Update Membership Agreement • Electronic Sign-Off • Specific email communications regarding same and request feedback • OTN Legal to advise on best route to update applicable Agreement (s) 	Completed

Please contact the OTN Privacy Office should you have any questions:

OTN Privacy Office - Ontario Telemedicine Network
438 University Avenue, Suite 200, Toronto, ON M5G 2K8
Email: privacy@otn.ca | Tel: 416-446-4110